

# Notice of Allowability

Application No.

09/460,688

Examiner

Dwin M Craig

Applicant(s)

PATIEJUNAS, KESTUTIS

Art Unit

2123

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/1/2004.
2. ☒ The allowed claim(s) is/are 3-14, 16 and 18-21.
3. ☒ The drawings filed on 14 December 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

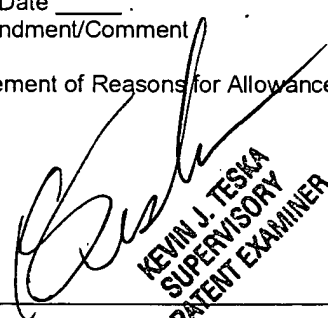
5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER

## DETAILED ACTION

And

## NOTICE OF ALLOWANCE

1. Claims 3-14, 16 and 18-21 are Allowed.

### Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

2.1 The following claim limitations in combination with other claim limitations are allowable over the prior art. The prior art fails to teach or make obvious the following limitations, *"calculating a send time for each of the network packets and attaching the respective send time to **the** corresponding packet."* In combination with, *"deleting the send time from each network packet when **the packet** is removed from the queue."* It is noted by the Examiner that, when **the packet** is removed from the queue, that the *send time* that was attached to each packet or the *plurality of packets in the queue, meaning all of the packets in the queue at that time*, is also deleted, i.e. *"deleting the send time from each network packet."* The prior art fails to teach or make obvious the removal of the attached send time from every packet in the queue whenever, **the packet** is removed from the queue.

2.2 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. U.S. Patent 5,812,780
2. U.S. Patent 5,881,237
3. U.S. Patent 5,633,859
4. U.S. Patent 5,918,020
5. U.S. Patent 6,038,230
6. U.S. Patent 6,252,851
7. U.S. Patent 6,330,236
8. U.S. Patent 6,453,345
9. U.S. Patent 6,772,107
10. "DESIGN AND EVALUATION OF AN ADAPTIVE FLOW CONTROL SCHEME" by Ashok K. Agrawala and Dheeraj Sanghi, IEEE 1992.
11. "PACKET NETWORK SIMULATION: SPEEDUP AND ACCURACY VERSUS TIMING GRANULARITY" by Jong Suk Ahn and Peter B. Danzig, IEEE 1996.
12. "EXPERIENCES WITH NETWORK SIMULATION" by Lawrence S. Brakmo and Larry L. Peterson, ACM 1998.
13. "VIRTUALCLOCK: A NEW TRAFFIC CONTROL ALGORITHM FOR PACKET-SWITCHED NETWORKS" by Lixia Zhang, ACM 1991.

Art Unit: 2123

3.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

The Examiner's E-Mail address is: [craig.dwin@uspto.gov](mailto:craig.dwin@uspto.gov)

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on (571)272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-308-1396.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC



KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER